



FREDERICK COUNTY PLANNING COMMISSION

August 9, 2017

TITLE: Caboose Farm

FILE NUMBER: SP-17-05, AP #17405, (APFO #17406,
#FRO 17407, #SWM 17551)

REQUEST: Site Development Plan

The Applicant is requesting Site Development Plan approval for a Country Inn with an Event Barn and Kitchen Barn (per Special Exception B-16-10) on a 68-acre site.

PROJECT INFORMATION:

LOCATION: 14776 Manahan Road; Located on the north and south sides of Manahan Road; adjacent to Catoctin Mountain Park, in Foxville

TAX MAP/PARCEL: Tax Map 18, Parcel 133

COMP. PLAN/LAND USE: Agricultural Rural (A); Natural Resource (NR)

ZONE: Agricultural (A); Resource Conservation (RC)

REGION: Thurmont

WATER/SEWER: NPS

APPLICANT/REPRESENTATIVES:

APPLICANT: Fedak LLC

OWNER: - same -

ENGINEER: Lingg Property Consulting

ARCHITECT: N/A

ATTORNEY: N/A

STAFF: Denis Superczynski

RECOMMENDATION: Conditional Approval

Attachments:

Exhibit #1 - Site Plan - Rendering

Exhibit #2 – Board of Appeals Special Exception Findings and Decision (B-16-10)

Exhibit #3 – Parking Modification Request and a Request for Approval of an Alternate Landscape Plan

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting Site Development Plan approval for a Country Inn with an Event Barn and Kitchen Barn to be developed and operated on the 68-acre property known as Caboose Farm (see figure 1 below). The proposed development of this use is pursuant to a Special Exception approved (November 17, 2016) by the Board of Zoning Appeals (B-16-10) with the following findings:

“Under Ordinance Section 1-19-8.333 Country Inns in RC and A Districts, The Board finds:

A. The Property for the proposed use is approximately 70 acres.

B. Proposed parking areas are shown in the Applicant’s submittal to be located outside of the required setback areas.

C. The Property has frontage and access on a paved public road.

D. The Applicant has testified that the structures to be used with the Country Inn existed as of January 24, 1977, including the 2-story framed house, 2-story renovated barn (Event Barn) and another renovated barn (Kitchen Barn). The existing external appearance of all structures will be maintained with only interior improvements.

E. The Applicant will meet sign requirements.

F. The Applicant will meet the requirements of Ordinance Section 1-19-7.200 in the RC zoning district.

The Board finds that the Country Inn have wedding type events with average numbers of guests of 125 to 150. Most event will occur on weekends with the facility open from 8am to 11pm, and less frequently Monday thru Friday.

The Board finds the Applicant testified that the main house will be available for overnight lodging and meals for wedding parties and other guests with 7 rooms available.

The Applicant testified they will incorporate large tents to accommodate the demands of guests, weather dependent.

The Board finds the Applicant testified music or amplified sounds will be located indoors after 10pm.

The Board finds the Applicant submitted Exhibit #1 – a letter of testimony declaring the date of the horse barn construction to be 1972/73, Exhibit #2 – photographic evidence of the horse barn, and Exhibit #3 – a Deed for the subject property dated February 16, 1977.

For all the foregoing reasons...The Board of Appeals finds that the Applicant meets the requirements of Section 1-19-3.210 and 1-19-8.333, and therefore voted unanimously (5-0) to grant the Applicant’s request for a Special Exception under Ordinance Sections 1-19-3.210 and 1-19-8.333 to establish a Country Inn on the subject Property using the existing 2-story framed house, 2-story renovated barn (Event Barn) and another renovated barn (Kitchen Barn).”

The Site of the proposed Country Inn is zoned Agricultural (A) and Resource Conservation (RC) and is located on the north and south sides of Manahan Road adjacent to Catoctin Mountain Park, in Foxville. The proposed Site Development Plan is subject to the approved special exception and reflects functions generally expected to occur in the area surrounding the farm house and barns.. Parking is proposed in the field behind the proposed *Event Barn*, on the east side of the proposed *Kitchen Barn*. The existing historic house will serve as Country Inn with an overnight lodging capacity of up to seven (7) guest rooms (14 guests). A Country Inn may include up to eight (8) guest rooms.

The portion of the site that is proposed to be utilized for the staging of indoor events on the property is located within 100 feet Manahan Road while temporary outdoor activities would be located over 300 feet from the public roadway in the fields north of the Event Barn and Country Inn. Vehicular access to the event areas would occur via two existing driveways. These driveways will provide one-way access into, and out of, the Site. The exit drive to be utilized in this configuration is the existing driveway on an adjacent lot owned by the Applicant. An easement will allow for the use of this driveway in the operations of the Country Inn and Event Barn. A third existing driveway located further east along Manahan Road will serve as the vehicular access point for the Country Inn structure.

Parking for the proposed use will occur on an existing gravel parking field. Parking spaces will remain unmarked, but vehicle management and parking direction will be handled by facility personnel during planned events.

Events will be limited with a maximum attendance capacity of 150 guests per day on weekends and a maximum attendance capacity of 50 guests per day on weekdays. Events will occur primarily on weekends, between the hours of 8am and 11pm.

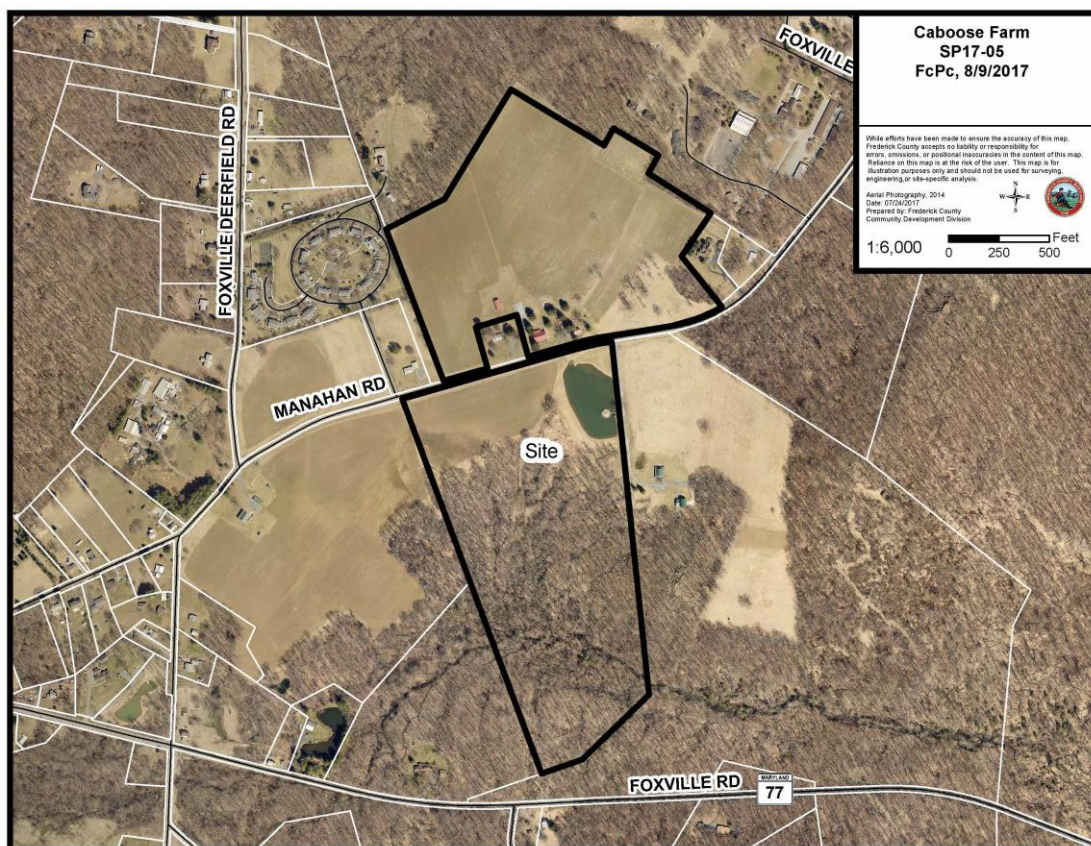


Figure 1 – Aerial Image

BACKGROUND

Development History

In November 2016 the Applicant was granted approval, with conditions, by the Board of Zoning Appeals for a Special Exception under Section 1-19-8.333 of the Zoning Ordinance which permits Country Inns in the Resource Conservation and Agricultural zoning districts. A recent Addition Plat served to combine the two parcels which were the subject of the Special Exception application (P. 133 and P. 142) into a single parcel of 68.159 acres (TM. 18, P. 133).

Existing Site Characteristics

The subject Site is a farm property in a predominantly rural and low-density residential neighborhood located near the village of Foxville in Northern Frederick County. Although the property is over 68 acres in size, the general area proposed for the Country Inn and Event Barn and Kitchen Barn is limited to approximately 4 acres in size and is surrounded on three sides by agricultural land.

The existing Site – which spans Manahan Road - is situated on a terrace between higher, forested land to the north, and lower, flooding soils and forested floodplain to the south. No regrading of the Site is proposed. Much of the existing landscaping material in the immediate vicinity of the activity site will remain after expansion of the existing gravel parking field. While the parcel is bisected by Manahan Road, activities associated with this Site Plan are proposed only for the small area on the north side of the County roadway. Flooding soils and FEMA floodplain areas are located only on the portion of the property south of Manahan Road, and do not occur near, or within, the activity areas proposed in this Site Plan.

Surrounding land uses include :

North – The area adjacent to the Caboose Farm property on the north is predominantly in forest cover and is part of Catoctin Mountain Park. Manahan Road provides access to Camp Round Meadow, a group camp featuring 4 dormitories, a dining hall, and other camp facilities for up to 120 people. Camp Round Meadow is located approximately 1,500 feet northeast of the proposed Country Inn and is accessed via Manahan Road from a driveway located approximately 1,650 feet east of the proposed driveway to Caboose Farm.

West – The small village of Foxville is located west of the subject Site with approximately two dozen homes and small farms located in the vicinity. Additionally, a 10-acre residential compound of 31 attached dwellings is located adjacent to the Caboose Farm parcel on its western edge.

South – Agricultural fields, scattered large-lot residential properties, and forested parkland areas are located south of the subject Site.

East – The eastern boundary of the Site bounded by a 79-acre residential/farm property owned by the Applicant. Lands further east are situated within the boundaries of Catoctin Mountain Park.

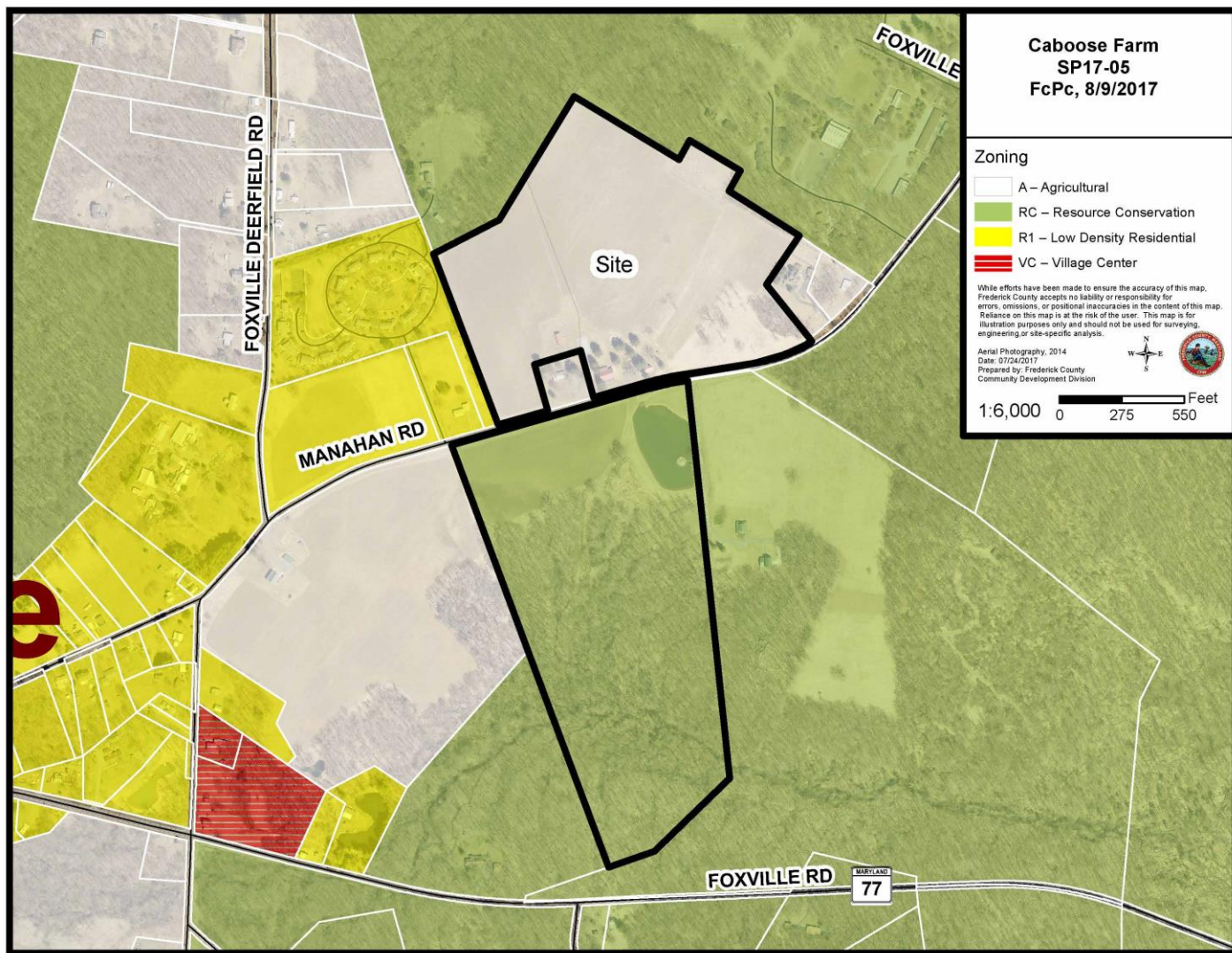


Figure 2 – Zoning Map

A Maryland Environmental Trust (MET) easement was placed on this property in December 2009. The proposed use remains subject to the easement as well as any policies set forth by MET related to this land use.

ANALYSIS

Summary of Development Standards Findings and Conclusions

Key issues of the proposed development include:

- Compliance with zoning (proposed use) and site development plan standards
- Providing adequate and safe vehicle access to, and within, the Site
- Providing any necessary alterations or improvements to the Site due to its adaptive re-use

Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in:

Site Development §1-19-3.300.4 (A): *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

Findings/Conclusions

1. **Dimensional Requirements/Bulk Standards:** With the exception of the light poles and any signage associated with the proposed use, no new structures are planned for the Site. The Zoning Ordinance provides setback requirements in the Agricultural District which are easily satisfied in this Site Plan application since the activity is occurring primarily in the center of an agricultural parcel surrounded by many acres of farmland. Standards shown below are for the existing residential structure, Kitchen Barn, or Event Barn, whichever is situated closest to the pertinent property boundary.

The Applicant is proposing to meet the established setback requirements generally summarized as follows [per §1-19-8.333 (A)]:

	<u>Required (Residential)</u>	<u>Provided</u>
Front Yard - Event Barn:	40 ft	> 41 ft
Front Yard – Country Inn:	40 ft	> 21 ft (structure in existence prior to 1961 r.o.w. dedication)
Side Yards:	10 ft	> 106 ft (between Event Barn and adjacent residence to the west)
Rear Yards:	30 ft	> 815 ft
Minimum Lot Width:	100 ft	1,442 ft
Minimum Lot Area:	1 acre	68+ acres
Maximum Building Height (A District):		30 ft
Maximum Building Height Proposed (Existing house):		22 ft
Maximum Building Height Proposed (Existing Event Barn):		26 ft

The proposed Building Restriction Lines (BRL's) are illustrated on the Site Plan. The existing home that will function as the Country Inn (per the Special Exception), is located within the front yard setback. The structure was constructed prior to 1977 and was in existence prior to the dedication of the public road right-of-way in 1961, and therefore is considered a non-conforming structure. The existing Event Barn, was reconstructed on the footprint of a previous barn structure at some point between 2007 and 2009. While the building itself meets the 40 ft setback requirement, a portion of the front balcony projects into the front yard a distance of approximately 9 feet.

2. **Signage §1-19-6.300:** The Applicant is proposing a signage as follows:

Permitted signage (business identification in the A District): 25 sf
Maximum sign height: 15 feet

Proposed signage (maximum): 25 sf

Specific compliance with the sign regulations will be reviewed at the time of application for a sign permit by the Applicant.

3. **Landscaping §1-19-6.400:** The Applicant proposes landscape plantings in conjunction with the current application that will satisfy the intent of the zoning requirements while maintaining the rural character of the neighborhood. The proposed plan maintains existing forested areas and much of the other vegetation (individual trees and shrubs) on the property. The requirement for 41 street trees (1,425 lf of frontage/35 ft), is met through the placement of trees throughout the Site, rather than along the public roadway in order to maintain consistency with the character of the village, surrounding agricultural landscapes, and National Park. These street trees are planted in three primary locations: along the farm's western boundary; along the eastern boundary as an expansion of an existing forested area; and, as a double row of trees framing the pathway to the cemetery located on the farm. Compliance with the standards regulating parking area plantings is demonstrated through the provision of planting islands within, and alongside of, the gravel parking field. These planting islands contain both shade trees and shrubs. Additional shrubbery is planted on the southern edge of the parking field to provide some vegetative screening from the adjacent residence and public roadway. The Applicant has submitted a request seeking approval by the Planning Commission of an alternate landscape plan to document this approach to meeting the site plan standards.

Staff finds that the alternate landscape plan as presented is consistent with the character of the rural neighborhood and meets the requirements of the Zoning Ordinance.

4. **Lighting §1-19-6.500:** Permanent outdoor lighting is provided via three 18-ft. high pole lamps and one building-mounted fixture. Site lighting – in the parking areas and at the Event Barn location – is identified on the Photometric Plan (Sheet 5) which indicates that lighting levels at the property boundaries shall not exceed 0.5 footcandles in intensity.

Staff finds the lighting plan to be consistent with the requirements of the Zoning Ordinance.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

1. **Access/Circulation:** Vehicular access to the Site is provided via two parallel existing driveways

Caboose Farm –Site Development Plan

August 9, 2017

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with access onto Manahan Road and located adjacent to the proposed Event Barn. The location of this existing drive provides a direct access point to the venue while making use of two existing and known property entrances. An easement will be recorded to provide one-way exit access via the existing private driveway on the adjacent residential property (14754 Manahan Road, P.125) as illustrated on the plan. This configuration allows for a divided access point that can channel arriving and exiting vehicles to their own individual driveways. Internal circulation should be improved with this design as the overall pattern will be effectively converted into a one-way loop, thereby easing circulation conflicts both on the property and at the connection to Manahan Road.

A separate driveway will be maintained on the eastern side of the Country Inn (Washington House) to allow independent and convenient access to this structure.

2. **Parking:** Parking for the proposed Country Inn and Event Barn is provided in a single, gravel, parking field measuring approximately 37,000 sf (0.85 acres) in size. This parking area will remain unpaved and unmarked and is identified on the Site Plan to demonstrate that sufficient parking space is available to meet the minimum requirement of the Zoning Ordinance. The parking spaces provided include the gravel field parking area as well as the paved parking spaces provided near the Event Barn to serve as a handicap parking area.

Parking Requirements

Parking calculation uses the category of 'Country Inn' per §1-19-6.220 (A)

Required -	1 space per guest room (# guest rooms = 7):	7 spaces
	1 space per employee (# employees = 15):	15 spaces
	<u>1 space per 50 s.f. of dining room area (2,400 s.f.):</u>	<u>48 spaces</u>
	TOTAL Required:	70 spaces

Provided – Area sufficient to provide 87 spaces including adequate circulation aisles: 37,000+ sf

The Applicant has requested a parking modification to provide 87 gravel field spaces where 70 parking spaces are required (see attached modification request).

Loading Requirements

Required - 1 large or 2 small spaces (misc. commercial uses not listed in Section 1-19-6.210(B) > 5,000 sf)

Provided - 1 large space (located adjacent to the Kitchen Barn)

The location of the proposed loading space serves the primary activity areas on the Site, and is situated such that deliveries to the Kitchen Barn can be conveniently transported to that building. The open nature of the property, and the physical separation of the uses between the Country Inn and the Event Barn/Kitchen Barn, allow for other areas to be utilized as needed for deliveries to the Site.

4. **Pedestrian Circulation and Safety §1-19-6.220 (G):** Due to the rural nature of the site, as well as the insular character of the proposed use, pedestrian circulation has been designed to accommodate movement within a limited area in the vicinity of the Washington House (Country Inn), Event Barn, Kitchen Barn, and seasonal tent/event areas. Movement between the parking areas and the areas designated for event activities is planned to occur over routes through the existing mowed fields, across the new gravel drive, and on the paved pedestrian paths surrounding the Event Barn. A small hard-surfaced area on the southern edge of the parking area is designated as a drop-off site for visitors with mobility constraints. The Applicant will utilize on-

site staff to guide vehicles and pedestrians safely within the Site during planned events.

5. **Bicycle Parking §1-19-6.220 (H):** No bicycle parking is required for this proposed use and no bicycle parking has been provided.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

1. **Public Water and Sewer:** The Site is designated 'No Planned Service' for both public water and public sewer service in the Frederick County Water and Sewer Plan. The Health Department has conditionally approved the proposed Plan. The Site will be served by on-site well and septic facilities approved by the Health Department.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Natural Features:** This application includes redevelopment activity in an upland area devoid of any sensitive natural features. The property has been actively farmed for more than two centuries and all of the proposed construction activity – with the exception of the gravel parking field - is set to occur in previously-developed land areas or in existing buildings. Flooding soils (LaB, Lantz-rohrersville silt loams) exist on-site, however these sensitive areas are located on the south side of Manahan Road and are not in close proximity to the proposed use.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

1. **Proposed Common Area/Open Space:** No public common areas are proposed in this Site Plan application.

Other Applicable Regulations

Adequate Public Facilities Ordinance (APFO) – Chapter 1-20

Roads: The proposed use with attendance limited to 150 persons per day on weekends and 50 persons per day on weekdays, will generate less than 50 trips during the peak hour of adjacent street traffic and is therefore exempt from APFO roads testing. Due to the proposed site's minimal impact on existing escrow accounts, an LOU is not required.

Schools: As a non-residential use, the proposed use does not generate any students and is therefore exempt.

Water and Sewer: The Site is designated as NPS, No Planned Service, in the County's Water and Sewer Plan. No connection to a public water or sewer system is proposed.

Forest Resource Ordinance (FRO) – Chapter 1-21

The Applicant has submitted a Combined Preliminary/Final Forest Conservation Plan for review. The area subject to review does not contain forest, but does contain 17 specimen trees. All of the specimen trees will be retained and protected. The required afforestation (20% of the disturbed area) will be met by purchasing forest banking credits or by paying fee-in-lieu. The FRO plan must be approved and mitigation must be provided prior to site plan approval.

Condition: The FRO plan must be approved and mitigation must be provided prior to site plan approval.

Stormwater Management (SWM) – Chapter 1-15

A Combined Stormwater Management plan has been submitted and reviewed (AP 17551). Final review will be conducted upon site development plan approval.

Health Department

The septic field for the residence located at 14754 Manahan Road (P. 125) crosses the property line onto the Caboose Farm parcel. A Septic Easement must be recorded and depicted graphically on the Site Plan (with liber/folio noted) prior to approval of the signature sets.

Condition: A Septic Easement for the residence located at 14754 Manahan Road (P. 125) must be recorded and depicted graphically on the Site Plan (with liber/folio noted) prior to approval of the site plan signature sets.

Findings/Conclusions

Based upon the review and analysis as provided above, Staff finds that the proposed application meets the Site Plan review criteria as set forth in §1-19-3.300.4 and §1-19-8.333, including items related to site development, transportation, parking, public utilities, natural features, and common areas. Staff will continue to work with the Applicant as the project moves through the remainder of the development process.

Summary of Agency Comments

<i>Other Agency or Ordinance Requirements</i>	<i>Comment</i>
<i>Development Review Engineering (DRE):</i>	Conditionally Approved
<i>Development Review Planning:</i>	Conditionally Approved
<i>State Highway Administration (SHA):</i>	Waived
<i>Historic Preservation</i>	Approved
<i>Forest Resource (FRO)</i>	Hold
<i>Health Dept.</i>	Conditionally Approved
<i>Office of Life Safety</i>	Approved
<i>Street Naming</i>	Approved
<i>DPDR Traffic Engineering</i>	Approved
<i>APFO</i>	Approved

RECOMMENDATION

Staff has no objection to conditional approval of the proposed Caboose Farm site development plan for the proposed Country Inn with Event Barn and Kitchen Barn. If the Planning Commission conditionally approves the plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval. Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the following conditions are met.

1. Site Development Plan approval is valid for a period of three (3) years from approval date and will therefore expire on August 9, 2020.
2. The Site Development Plan approval is subject to the Board of Appeals findings and decisions for B-16-10 adopted November 17, 2016.
3. Planning Commission approval of the alternate landscape plan as requested by the Applicant with a revised planting list to replace the seven (7) Crabapple trees with a species generally characterized as a street tree.
4. Planning Commission approval of the parking space modification to permit the provision of 87 spaces where 70 spaces are required by the Ordinance.
5. The Applicant shall obtain a sign permit prior to placement of signage on the subject property.
6. The FRO plan must be approved and mitigation must be provided prior to site plan approval.
7. A Septic Easement for the residence located at 14754 Manahan Road (P. 125) must be recorded and depicted graphically on the Site Plan (with liber/folio noted) prior to approval of the site plan signature sets.
8. An Access Easement granting use of the driveway that crosses the property of the residence located at 14754 Manahan Road (P. 125), must be recorded and depicted graphically on the Site Plan (with liber/folio noted) prior to approval of the site plan signature sets.
9. Address all agency comments as the plan proceeds through completion.

PLANNING COMMISSION ACTION

MOTION TO APPROVE WITH CONDITIONS

I move that the Planning Commission **APPROVE Site Development Plan SP-17-05** (AP 17405; APFO 17406; FRO 17407; SWM 17551) **with conditions and modifications** as listed in the staff report for the proposed Caboose Farm Country Inn with Event Barn and Kitchen Barn, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.



Exhibit 1 – Site Plan (1) Special Exception Findings & Decision for Caboose Farm, B-16-10

**IN MATTER OF:
Caboose Farm, LLC
as represented by
Dave Severn, Esq.**

**Before the Board of Appeals
for Frederick County MD
Case No. B-16-10**

* * * * *

FINDINGS AND DECISIONS

This matter comes before the Board on the application of Caboose Farm, LLC and Peter F. Fedak, III as represented by Dave Severn, Esq. (hereinafter "Applicant") for a special exception as provided for in the Frederick County Zoning Ordinance (hereinafter "Ordinance"). The property (hereinafter "Property") for which the special exception is requested is located at 14776 Manahan Road, Sabillasville, MD and is further identified as Tax Map 18, Parcels 133 & 142, Tax ID #s 10-267129 and 10-270278. The Property is currently zoned Agricultural (AG) and Resource Conservation (RC), and has a total of approximately 70 acres. The Applicant seeks a special exception under Ordinance Sections 1-19-3.210 and 1-19-8.333 to establish a Country Inn on the subject Property using the existing 2-story framed house, 2-story renovated barn (Event Barn) and another renovated barn (Kitchen Barn).

Under Ordinance Section 1-19-3.210(A) the Board finds that the Applicant has demonstrated a financial, contractual, or proprietary interest in the Property.

Under Ordinance Section 1-19-3.210(B) the Board finds:

1. The Applicant testified the proposed use to be consistent with the purpose and intent of the Comprehensive Development Plan and of the Zoning Ordinance.
2. The Applicant testified the nature and intensity of the proposed use will be in harmony with the appropriate and orderly development of the neighborhood in which it is located.
3. The Applicant testified the operations in connection with the proposed location shall not have an adverse effect such as noise, fumes, vibration or other characteristics on neighboring properties above and beyond those inherently associated with the special exception at any other location within the zoning district.
4. The Applicant testified parking areas will comply with the of street parking regulations of this chapter and will be screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.
5. The Applicant testified the road system providing access to the proposed site is adequate to serve the site for the intended use.

Under Ordinance Section 1-19-8.333 *Country Inns in RC and A Districts*, The Board finds:

- A. The Property for the proposed use is approximately 70 acres.
- B. Proposed parking areas are shown in the Applicant's submittal to be located outside of the required setback areas.
- C. The Property has frontage and access on a paved public road.
- D. The Applicant has testified that the structures to be used with the Country Inn existed as of January 24, 1977, including the 2-story framed house, 2-story renovated barn (Event Barn) and another renovated barn (Kitchen Barn). The existing external appearance of all structures will be maintained with only interior improvements.
- E. The Applicant will meet sign requirements.
- F. The Applicant will meet the requirements of Ordinance Section 1-19-7.200 in the RC zoning district.

The Board finds that the Country Inn have wedding type events with average numbers of guests of 125 to 150. Most event will occur on weekends with the facility open from 8am to 11pm, and less frequently Monday thru Friday.

The Board finds the Applicant testified that the main house will be available for overnight lodging and meals for wedding parties and other guests with 7 rooms available.

The Applicant testified they will incorporate large tents to accommodate the demands of guests, weather dependent.

The Board finds the Applicant testified music or amplified sounds will be located indoors after 10pm.

The Board finds the Applicant submitted Exhibit #1 – a letter of testimony declaring the date of the horse barn construction to be 1972/73, Exhibit #2 – photographic evidence of the horse barn, and Exhibit #3 – a Deed for the subject property dated February 16, 1977.

The Board heard testimony from two neighboring property owners speaking in favor of the proposed Application. There was no one present to speak in opposition to the Application.

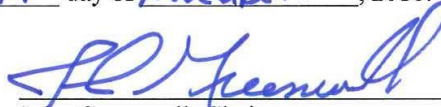
The Applicant is bound by all exhibits and testimony.

The Board conducted an onsite inspection of the Property on October 19, 2016.

The Board held a public hearing on the requested Special Exception on October 27, 2016.

For all the foregoing reasons, Mr. Bowersox made a motion to grant the Applicant's request and was seconded by Mr. Miller. The Board of Appeals finds that the Applicant meets the requirements of Section 1-19-3.210 and 1-19-8.333, and therefore voted unanimously (5-0) to grant the Applicant's request for a Special Exception under Ordinance Sections 1-19-3.210 and 1-19-8.333 to establish a Country Inn on the subject Property using the existing 2-story framed house, 2-story renovated barn (Event Barn) and another renovated barn (Kitchen Barn).

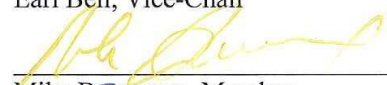
Adopted by the Board of Appeals on the 17th day of NOVEMBER, 2016.



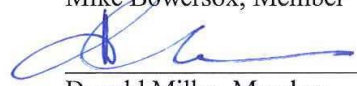
John Greenwell, Chair



Earl Bell, Vice-Chair



Mike Bowersox, Member



Donald Miller, Member



Thomas Conard, Member

Ordinance Section 1-19-3.210 (I)

A decision of the Board of Appeals granting a special exception will be void 5 years from date of approval by the Board of Appeals unless the use is established, a building permit issued, construction has begun, or final site development plan approval has been received in accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the applicant, a 1 time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.

July 10, 2017

Denis Superczynski, Principal Planner
Frederick County Government
Division of Planning and Permitting
30 N. Market Street, 3rd Floor
Frederick, Maryland 21701

Re: Caboose Farm, Co. File #SP1705, AP#17405
FCPC Modification Requests for Parking & Alternative Landscape Plan

Dear Denis:

This letter serves as our formal request to the Frederick County Planning Commission for consideration of two modifications for the above-referenced case as follows.

Section 1-19-6.220. (A)(1) of the Frederick County Zoning Ordinance allows for a modification request to allow an increase in the number of required parking spaces under the "PARKING SPACE REQUIREMENTS AND DIMENSIONS" heading.

The required parking spaces for the proposed uses in this case are set forth on the Site Plan as follows:

Commercial business and personal services (Country Inn):

• 1 space per each guest room:	7 guest rooms	= 7 spaces
• 1 space per employee:	15 employees	= 15 spaces
• <u>1 space per 50 s.f. of dining room:</u>	<u>2,400 s.f. dining</u>	<u>= 48 spaces</u>
Total Parking Required:		70 spaces
Total Parking Provided:		87 spaces

A gravel lot containing these 87 spaces currently exists on site, and the applicant proposes that valet parking will be used for events held at the facility. In addition, the applicant feels, based on past use and the limits placed on the number of guests by the Board of Appeals findings, that the 87 existing spaces will be necessary for the operation of the facility.

Therefore, in accordance with Section 1-19-6.220. (A)(1) of the Frederick County Zoning Ordinance, the applicant requests a modification to allow the additional 17 parking spaces above the minimum required amount.

Section 1-19-6.400 (I) of the Frederick County Zoning Ordinance allows for a modification request for an "Alternate Landscaping Plan" under the heading "LANDSCAPING AND SCREENING".

Due to the rural nature of Manahan Road (the fronting roadway in this case), an "alternate landscape plan" (as shown on the Site Plan set) is proposed for this project.

This property has a road frontage of approximately 1,425 linear feet. The standard Street Tree requirement is 1 Street Tree per every 35 linear feet of street frontage. Therefore, 41 street trees would be required for this project.

However, as mentioned, due to the rural nature of this property's setting, no other street trees existing along this stretch of Manahan Road. Nor do any street trees exist along any of the other roads in the vicinity in this entire rural roadway network.

Therefore, the applicant feels that these 41 required trees can be put to better use on the site, and proposes to plant those 41 trees not in a standard linear street tree fashion but on-site instead as follows:

Proposed on the submitted Site Plan are a mix of 7 white spruce, 2 hawthorn & 2 crabapples along the western property line to provide for additional screening. A mix of 15 crabapple, hawthorn, and black gum trees are proposed along the path to the cemetery as shown on the plan (these trees replace an old tree line that once existing in this area). Two additional shade trees are proposed at the parking lot (over & above the required parking lot plantings), and a mix of 13 sugar maple and swamp white oak are proposed along the eastern property tree line, adding to the existing tree line in that area. These additional tree plantings total the 41 trees that are proposed to be planted in this manner in lieu of street trees.

Based upon the above justifications, the applicant requests approval from the Frederick County Planning Commission for both modifications as set forth above.

Please feel free to contact me with any questions or comments. Thank you for your consideration of this matter.

Sincerely,

Lingg Property Consulting



President

cc: Project Team